

**DEPARTMENT OF JUSTICE
Prosecution Services Bureau**

Background

Since the mid-1970s, the Prosecution Services Bureau (PSB) of the Department of Justice has assisted with and enhanced criminal prosecutions in Montana. The bureau's criminal prosecutors and support staff provide special prosecution assistance for Montana's 56 counties, handling cases and giving advice, including legal research, analysis and strategy.

Over the years, PSB has handled innumerable complex felony cases:

- Prison riot murders
- Death-penalty eligible homicides
- Sex crimes
- Drug offenses
- Fraud cases

The bureau also handles cases of official misconduct by local government officials and, as mandated by statute, PSB attorneys deal with cases involving workers' compensation fraud, fish and game offenses and Medicaid provider fraud, patient abuse and exploitation.

PSB prosecutors review investigative files to assist local prosecutors in determining whether a case should be charged and if so, how particular evidentiary issues should be addressed.

- As a result of such reviews, PSB often discourages prosecution of cases that appear to lack sufficient evidence to obtain a conviction, saving counties money that would be spent on unsuccessful trials.
- On cases that do go to trial, the advice offered by PSB attorneys helps guide county attorneys around potential issues that could be raised on appeal and result in a retrial.
- PSB contact with local officials also includes guidance and training of law enforcement.

PSB is responsible for implementing the Attorney General's supervisory power over county attorneys.

- Each year, the Attorney General receives numerous complaints about some aspect of the performance of Montana county attorneys.
- While the facts require the Attorney General to exercise supervisory power over the county attorney in only a very small percentage of these cases, each complaint requires staff time for investigation and preparation of a response.

Caseload

The PSB caseload increases each year, both in numbers of cases referred to the bureau and the complexity of those cases. Since about 1978, every attorney position added to the bureau has brought with it the assumption of a specialized caseload, like Medicaid fraud or workers' compensation, for example.

Because of limited staff resources, PSB regularly turns away cases in which county attorneys request assistance.

Additional Staff and Funding Request

The bureau is requesting two additional general prosecutors funded by the general fund.

	FY 08	FY 09
FTE	2.0	2.0
Personal Services	167,066	161,247
Total General Fund	\$167,066	\$161,247

2007 Legislature
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